

EXHIBIT "G"

Sayeed Akbar
April 15, 2019

1

1 UNITED STATES DISTRICT COURT

2 EASTERN DISTRICT OF NEW YORK

3 -----x

4 PETER ALTMAN,
5 Plaintiff,

6 -against- Index No:
7 1:18-cv-03411

8 STARBUCKS CORPORATION,

9 Defendant.
10 -----x

11 EXAMINATION BEFORE TRIAL of the
12 Defendant, STARBUCKS CORPORATION by SAYEED AKBAR,
13 taken by the Plaintiff, pursuant to Court Order,
14 held at the offices of U.S. Legal Support, 89-00
15 Sutphin Boulevard, Suite 307, Jamaica, New York
16 11435, on April 15, 2019, at 4:38 p.m., before
17 a Notary Public of the State of New York.

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2 A P P E A R A N C E S:

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4 KRENTSEL & GUZMAN, LLP
5 Attorneys for Plaintiff
PETER ALTMAN
17 Battery Place, Suite 604
6 New York, New York 10004

7 BY: KURT ROBERTSON, ESQ.

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11 GOLDBERG SEGALLA, LLP
12 Attorneys for Defendant
STARBUCKS CORPORATION
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14 BY: J. DANIEL VELEZ, ESQ.

15 dvelez@goldbergsegalla.com

16 FILE #: 10478.0021

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1 S T I P U L A T I O N S
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3 IT IS HEREBY STIPULATED AND AGREED by and
4 between the attorneys for the respective parties
5 herein that the sealing, filing, and certification
6 of the within Examination Before Trial be waived;
7 that all objections, except as to form, are reserved
8 to the time of trial;

9 That the transcript may be signed before
10 any Notary Public with the same force and effect as
11 if signed before a Clerk or Judge of the Court;

12 That this Examination Before Trial may be
13 utilized for all purposes as provided by the CPLR;

14 That all rights provided to all parties by
15 the CPLR shall not be deemed waived and the
16 appropriate sections of the CPLR shall be
17 controlling with respect thereto.

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1 S A Y E E D A K B A R, the witness herein, having
2 been first duly sworn by a Notary Public of the
3 State of New York, was examined and testified as
4 follows:

5

6 EXAMINATION BY

7 MR. ROBERTSON:

8 Q. State your name for the record, please.

9 A. Sayeed, S-A-Y-E-E-D, Akbar, A-K-B-A-R.

10 Q. State your address for the record, please.

11 A. The address of Starbucks is 51-06 Northern
12 Boulevard, Woodside, New York 11377.

13 MR. ROBERTSON: Counselor, you'll
14 accept service or provide the last known
15 address in the event he is no longer
16 employed?

17 MR. VELEZ: Yes.

18 Q. Good afternoon, Mr. Akbar. My name is Kurt
19 Robertson. I'm with the firm of Krentsel & Guzman.
20 We represent Mr. Peter Altman in an action that he
21 has brought against Starbucks. I'll be asking you
22 some questions with respect to that.

23 I ask that you keep your responses to my
24 questions verbal because the court reporter can't
25 take down nods of the head or hand gestures. From

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time to time, I may ask you a question that you know the answer to before I finish asking it. At those times, please allow me to ask the entire question anyway because the court reporter can only take down one of us speaking at a time. If I ask you a question and you need it repeated or rephrased, please let me know. I'll be happy to do so. If you need to take a break at any time, just let me know as long as there is no open question -- by "open question," I mean a question that I've asked you and you haven't answered -- I don't have a problem with that. Do you understand my instructions?

14 A. Yes.

15 Q. What is your date of birth?

16 MR. ROBERTSON: We'll just put the
17 year on the record.

18 A. XX-XX-1995.

19 Q. What is your highest level of education?

20 A. I am a third-year college student.

21 Q. What's your course of study?

22 A. Radiology.

23 Q. Where are you studying?

24 A. At Harlem Hospital School of Imaging
25 Sciences.

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1 S. AKBAR

2 Q. How many more years do you have to go until
3 you complete that course of study?

4 A. I have, approximately, until October; so
5 about six months.

6 Q. So you'll be graduating in October of 2019?

7 A. That's right, sir.

8 Q. Are you a full-time or part-time student?

9 A. I am a full-time student.

10 Q. Do you have any other types of degrees or
11 certificates or training programs or completion
12 courses or anything like that?

13 A. No.

14 Q. Are you currently employed?

15 A. Yes, sir.

16 Q. By whom are you employed?

17 A. Starbucks Coffee Company.

18 Q. No offense. I ask this of everyone. Have
19 you ever been convicted of a crime?

20 A. No.

21 Q. What is your job title with Starbucks?

22 A. Barista.

23 Q. When did you begin working with Starbucks?

24 A. Approximately, May of 2015.

25 Q. What was your job title in May of 2015?

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2 A. Barista as well.

3 Q. How many hours a week do you work?

4 A. Approximately, 14 to 15 hours.

5 Q. Back in August of 2017, did you work the
6 same amount of hours or did it change?

7 A. It changed.

8 Q. How many hours a week did you work in August
9 of 2017?

10 A. Approximately, 20 to 25.

11 Q. Were there set days per week that you worked
12 or did you work different days?

13 A. There were set days.

14 Q. What days did you work?

15 A. Friday, Saturday, and Sunday. I don't
16 recall, but Mondays and Wednesdays as well, I
17 believe.

18 Q. So did you also work on Monday and Wednesday
19 in addition to Friday, Saturday, Sunday?

20 A. Sometimes.

21 Q. What were your duties and responsibilities
22 as a barista?

23 A. I was responsible for delivering beverages
24 and making beverages as well as upkeeping the store
25 to make sure it's clean and customer-ready.

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2 Q. What hours did you work back in August of
3 2017? For purposes of this deposition, unless I say
4 otherwise, all my questions will, generally, pertain
5 to August of 2017. Okay?

6 A. Yes.

7 Q. What hours did you work?

8 A. I would work the closing shifts where I
9 would come in at 3:00 and leave approximately at
10 11:30.

11 Q. Would that be 3:00 p.m. to 11:30 p.m.?

12 A. Yes.

13 Q. Did you have a set time in which you worked
14 as a barista or a set time in which you did
15 cleaning? How was that determined?

16 A. It's determined by the shift supervisor who
17 was responsible for thinking critically about the
18 store situation and assigning tasks to those who are
19 able to complete them to the best of their ability.

20 Q. Did you work as either a barista or a
21 cleaner for the entire day or would you do both
22 during the course of the day or something else?

23 A. Often times, it was both.

24 Q. Were there set times during the day in which
25 you were assigned to a particular task?

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2 A. I'm sorry. One more time?

3 Q. Were there set times when you would be
4 cleaning or set times when you would work as a
5 barista or would it just be as needed?

6 A. As needed.

7 Q. In terms of the cleaning of the store, did
8 you take any photographs to document any of the
9 cleaning that you did?

10 A. No, sir.

11 Q. Also, with respect to the cleaning of the
12 store, would you take any notes to document the
13 cleaning that you did?

14 A. No, sir.

15 Q. To your knowledge, would anyone inspect the
16 cleaning work that you did?

17 A. Yes.

18 Q. Who was that?

19 A. The shift supervisor in charge.

20 Q. How long after you cleaned would the shift
21 supervisor inspect your work?

22 A. Approximately, 20 to 30 minutes after.

23 Q. Did Starbucks have any type of system,
24 electronic or otherwise, to document the cleaning
25 that would be done?

1 S. AKBAR

2 A. Yes.

3 Q. What was that system called?

4 A. It was a chart and it was called the task
5 cycle.

6 Q. Did you use the task cycle?

7 A. Yes, sir.

8 Q. What would that entail?

9 A. I don't understand that.

10 Q. What would you do in terms of the use of the
11 task cycle?

12 A. The task cycle was used to, kind of,
13 organize our duties and to make sure every area of
14 the store was cleaned properly and thoroughly.

15 Q. Is the task cycle written?

16 A. Yes.

17 Q. Is that a booklet?

18 A. No. It's a chart.

19 Q. Would you have to follow that task cycle in
20 terms of what you were doing with respect to
21 cleaning the store?

22 A. Yes.

23 Q. Were you meant to take any notes as part of
24 that task cycle process? In other words, did it
25 have any kind of blank pages or anything for you to

1 S. AKBAR

2 fill in any information as you completed the task
3 cycle?

4 A. No.

5 Q. Same question with respect to taking
6 photographs, were you meant to take any photographs
7 as part of the task cycle cleaning?

8 A. No.

9 Q. Did you advise any Starbucks employee as to
10 when you had finished cleaning?

11 A. I don't understand that question.

12 Q. How would the shift supervisor know that you
13 had finished cleaning?

14 A. I would have to indicate.

15 Q. How would that be done?

16 A. Verbally.

17 Q. Where is the Starbucks located that you work
18 at?

19 A. It's located in Woodside along Northern
20 Boulevard and Woodside Avenue.

21 Q. How many entrances are there to the
22 Starbucks?

23 A. There are two ways you can get in.

24 Q. Where are they located?

25 A. You mean with respect to the store?

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2 Q. Yes.

3 A. There is actually one way to get into the
4 store. That's a front gate.

5 Q. Off of Northern Boulevard?

6 A. No. It's a shopping center. So you would
7 have to walk into the shopping center and you would
8 have to walk into the Starbucks.

9 Q. Are there cameras in the Starbucks?

10 A. Yes.

11 Q. Is there a bathroom in the Starbucks?

12 A. Yes.

13 Q. Where is the bathroom located?

14 A. All the way in the back of the store.

15 Q. How many bathrooms are there?

16 A. There is one bathroom.

17 Q. Would you have to pass the serving area in
18 order to get to the bathroom?

19 A. Yes.

20 Q. Do you have to be a paying customer in order
21 to use the bathroom or is it available to anyone?

22 A. It is available to the public.

23 Q. Does the bathroom door lock?

24 A. Yes.

25 Q. From the inside?

1 S. AKBAR

2 A. Yes.

3 Q. Prior to August 21, 2017, were you aware of
4 homeless people using the bathroom?

5 A. Yes.

6 Q. How often did that occur?

7 A. Rarely.

8 Q. When you say "rarely," how often? More or
9 less than ten times?

10 A. Two or three times a month, I would say.

11 Q. Would that be since you started working
12 there in 2015?

13 A. Yes.

14 Q. With respect to the homeless use of the
15 bathroom two to three times a month, to your
16 knowledge, would they be using the bathroom for
17 grooming purposes?

18 A. Sometimes.

19 Q. What would lead you to the conclusion that
20 the homeless were using the bathroom for grooming
21 purposes?

22 A. Often times, there would be hair or some
23 sort of spit in the sink as well as copious amounts
24 of water on the floor.

25 Q. Did you or any Starbucks employee ever

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2 advise any of the homeless people not to use the
3 bathroom for grooming purposes?

4 A. Yes, sir.

5 Q. Was that you or someone else?

6 A. Usually, it is the shift supervisor who has
7 the final say.

8 Q. Did you ever observe a shift supervisor
9 advising a homeless person not to use the bathroom
10 for grooming purposes?

11 A. Yes, sir.

12 Q. When was that first time that you observed
13 that process?

14 A. I would say sometime in the first six months
15 of my employment.

16 Q. With respect to the homeless people that
17 were using the bathroom for grooming purposes, was
18 it the same person or persons or was it different
19 homeless people?

20 A. Different homeless people.

21 Q. Was any type of sign posted advising people
22 not to use the bathroom for grooming purposes?

23 A. No, sir.

24 Q. Did you ever take any photographs
25 documenting any of the water on the ground after the

1 S. AKBAR

2 homeless used the bathroom for grooming purposes?

3 A. The shift supervisor would take a picture
4 and send it to the manager to confirm.

5 Q. When did that happen?

6 A. I would say sometime in the first six months
7 of my employment as well.

8 Q. What would the manager do with the
9 photographs?

10 A. She would advise us on the necessary steps
11 that we would have to take.

12 Q. Did the Starbucks have a camera?

13 A. Yes.

14 Q. Was that a special -- was it a phone camera
15 or was it like a digital camera or something else?

16 A. No. It's a CCTV. So it's hooked up to a
17 live feed in the back.

18 Q. Specifically, with respect to taking
19 pictures of the water in the bathroom, what would
20 the shift supervisor use in order to take those
21 photos?

22 A. A phone picture, a phone camera.

23 Q. Would that be the shift supervisor's
24 personal phone or someone else's?

25 A. The shift supervisor's personal phone.

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2 Q. Which supervisor did you observe taking
3 pictures with her personal phone?

4 A. I don't recall.

5 Q. Was it a male or female?

6 A. A male.

7 Q. Is that person still employed by Starbucks?

8 A. I don't know.

9 Q. Was it one person or more than one person
10 that you observed taking pictures?

11 A. It was usually one or two, depending on the
12 situation.

13 Q. The other person, was that person also male
14 or was it a female?

15 A. I don't recall.

16 Q. Which manager would the photographs be sent
17 to?

18 A. At that time, it was Helen.

19 Q. Do you know Helen's last name?

20 A. No.

21 Q. Is Helen still with Starbucks?

22 A. I don't know.

23 Q. What would Helen do with the photos?

24 A. She would advise us on the necessary steps
25 that we would have to take.

1 S. AKBAR

2 Q. Would Helen store the photographs or would
3 Starbucks store the photographs? Do you know?

4 A. Usually, we would just get rid of the
5 photographs as soon as the situation was taken care
6 of.

7 Q. How would the photographs be gotten rid of?

8 A. They would be deleted on the phone.

9 Q. Do you know if Helen also deleted the
10 photographs or did she store them or something else?

11 A. I don't know.

12 Q. Did Starbucks have a policy and procedure as
13 to what was to be done with those photographs?

14 A. No.

15 Q. Do you know if Helen or any other shift
16 supervisors or anyone else has any photographs now
17 pre-dating August of 2017 that showed water on the
18 floor following a homeless person using the bathroom?

19 A. I don't know.

20 Q. When you say Helen would tell you what to
21 do, what would she do in terms of telling you what
22 to do?

23 A. She would tell us to clean up the mess and
24 advise us to tell the homeless individuals not to
25 take care of their grooming responsibilities inside

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2 our bathroom.

3 Q. Prior to August 21, 2017, did you ever
4 observe anyone slip and fall or having accidents in
5 the bathroom as a result of the homeless people
6 using the bathroom for grooming purposes?

7 A. No, sir.

8 Q. I'm showing you what was marked Defendant's
9 Exhibits B, C and D of January 29, 2018 and I'll ask
10 you to take a look at those (handing).

11 A. (Perusing.)

12 Q. Ready?

13 A. Yes.

14 Q. Do you know what's depicted in those
15 photographs?

16 A. Yes, sir.

17 Q. What is that?

18 A. This is the Starbucks bathroom.

19 Q. All three show the Starbucks bathroom?

20 A. Yes, sir.

21 Q. Are those fair and accurate depictions of
22 the bathroom in the Starbucks?

23 A. Yes.

24 Q. Can I see the middle one, please?

25 A. Yes (handing).

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2 Q. Defendant's Exhibit C, do you see what
3 appears to be a sink in that photograph?

4 A. Yes, sir.

5 Q. That sink in the photograph, back on August
6 21, 2017, was that sink in the same location?

7 A. Yes.

8 Q. Is that a fair and accurate depiction of the
9 way the bathroom would have looked with the sink,
10 and, I guess, it's a baby-changing stand on the
11 right --

12 A. Yes, sir.

13 Q. -- back in August of 2017?

14 A. Yes.

15 Q. The water that you described on the floor as
16 "copious amounts of water on the floor," to your
17 knowledge, would it have come from that sink or
18 would it have come from the toilet or elsewhere?

19 A. Usually, around the sink area. I would say
20 around this area (indicating).

21 MR. VELEZ: Noting beneath the sink.

22 Q. Prior to August 21, 2017, did you ever have
23 to clean water on the floor?

24 A. Yes.

25 Q. What would you use to clean it?

1 S. AKBAR

2 A. A mop.

3 Q. Would you also need a bucket?

4 A. Yes.

5 Q. What would you use the bucket for?

6 A. To squeeze out excess water.

7 Q. Were you at the Starbucks on August 21, 2017?

8 A. Yes.

9 Q. Were you present when an accident occurred
10 in that store?

11 A. Yes.

12 Q. Do you know my client, Peter Altman?

13 A. Yes.

14 Q. Had you met Mr. Altman at all prior to
15 August 21, 2017?

16 A. Yes.

17 Q. Do you recognize him by face or something
18 else?

19 A. Yes, by face.

20 Q. How was it that you came to know Mr. Altman
21 prior to August 21, 2017?

22 A. He lived in my neighborhood.

23 Q. Did you speak with him outside of the
24 Starbucks?

25 A. No, I don't recall.

1 S. AKBAR

2 Q. Did you just recognize him as a familiar
3 face from your neighborhood?

4 A. Yes.

5 Q. Prior to August 21, 2017, you never had any
6 discussion at all with Mr. Altman?

7 A. No.

8 Q. Did you observe Mr. Altman in the store on
9 August 21, 2017?

10 A. Yes.

11 Q. Where did you first observe him?

12 A. I observed him at the serving area.

13 Q. Do you recall what you served him?

14 A. No. I wasn't serving.

15 Q. When you say you served him at the serving
16 area, you provided coffee for him?

17 MR. VELEZ: Just note my objection.

18 He said he didn't serve him.

19 MR. ROBERTSON: Oh, okay.

20 Q. When did you first observe him on August 21,
21 2017?

22 A. In the serving area, but I did not serve him.

23 Q. Oh, you observed him; you didn't serve him.

24 A. Yes.

25 Q. My apologies. I didn't hear you properly.

1 S. AKBAR

2 A. That's okay. That's fine.

3 Q. I'm sorry about that. What was Mr. Altman
4 doing when you saw him?

5 A. He was just waiting.

6 Q. Do you know what he was waiting for?

7 A. The bathroom.

8 Q. Did Mr. Altman order any kind of food or
9 drink prior to waiting for the bathroom?

10 A. I believe he bought something to eat.

11 Q. Did he have that with him prior to waiting
12 in the bathroom area?

13 A. I don't think so.

14 Q. To your knowledge, if you know, did
15 Mr. Altman consume the food prior to going to the
16 bathroom area?

17 A. No.

18 Q. Was there anyone else with him?

19 A. No.

20 Q. How long was he waiting in the bathroom area?

21 A. I'd say about five minutes.

22 Q. Was there anyone in the bathroom, to your
23 knowledge?

24 A. You mean while he was waiting for it?

25 Q. Yes.

1 S. AKBAR

2 A. Yes.

3 Q. Did you observe the person go into the
4 bathroom?

5 A. No.

6 Q. Did you observe the person come out of the
7 bathroom?

8 A. No.

9 Q. Did you observe Mr. Altman go into the
10 bathroom?

11 A. No.

12 Q. Do you have any idea as to how long he was
13 in the bathroom?

14 A. No.

15 Q. At some point, did you learn that Mr. Altman
16 had an accident?

17 A. Yes.

18 Q. How did you learn that?

19 A. I saw him stepping out of the bathroom,
20 holding his hip.

21 Q. Where were you when you made that
22 observation?

23 A. I was in the back of the house, coming out
24 from the back of the house.

25 Q. When you say "back of the house," what do

1 S. AKBAR

2 you mean?

3 A. The store, the back of the store.

4 Q. Did you say anything to Mr. Altman?

5 A. I asked him if he needed any help.

6 Q. What did he say to you?

7 A. He said that he fell inside the bathroom.

8 Q. Anything else?

9 A. I asked him if he needed some help. I got
10 him a chair and I made him an ice pack. Then I let
11 my shift supervisor take care of it.

12 Q. Who was your shift supervisor?

13 A. At that time, it was Natalie.

14 Q. When you say you let your shift supervisor
15 take care of it, what do you mean?

16 A. I let her deal with Mr. Altman.

17 Q. Did you leave the area?

18 A. Yes. I resumed my tasks.

19 Q. What were your tasks?

20 A. To upkeep the store.

21 Q. Do you know what time the accident occurred?

22 A. I don't recall but sometime in the evening.

23 Q. Had you used that bathroom at all before
24 Mr. Altman?

25 A. No, but I went in prior just to observe the

1 S. AKBAR

2 condition of the bathroom.

3 Q. When was that?

4 A. I would say, approximately, 10 to 15 minutes
5 prior.

6 Q. Would that be before Mr. Altman was waiting
7 for the bathroom or something else?

8 A. I would say before, yes.

9 Q. Why did you go into the bathroom at that
10 point?

11 A. Part of my tasks is to observe and clean the
12 bathroom.

13 Q. What did you do in terms of observing and
14 cleaning the bathroom when you went into it 10 to 15
15 minutes prior to the accident?

16 A. I checked all the corners. I checked to see
17 if there were any leaks. I checked to see if there
18 was any liquid on the floor. I made sure the
19 mirrors were clean and the toilet was clean and
20 ready for customer use.

21 Q. When you say that you checked for leaks,
22 prior to August of 2017, were there leaks in the
23 bathroom?

24 A. Yes.

25 Q. Where were the leaks?

1 S. AKBAR

2 A. Around the toilet area.

3 Q. When did you first observe leaks in the
4 toilet area?

5 A. I don't recall.

6 Q. In terms of timeframe, how long before
7 August of 2017 had you first observed leaks in the
8 area of the toilet?

9 A. About six months.

10 Q. Did you observe leaks on one occasion or
11 more than one occasion?

12 A. One occasion.

13 Q. In terms of the leaking by the toilet, what
14 caused that, to your knowledge?

15 A. To my knowledge, the base -- the grout that
16 was holding the toilet to the ground was coming off.

17 Q. Was that condition repaired?

18 A. Yes, sir.

19 Q. Do you know who fixed it?

20 A. No, sir.

21 Q. Apart from that occasion six months prior to
22 the accident, did you ever observe any other time
23 when there were leaks in the bathroom area?

24 A. No.

25 Q. When you observed the bathroom area in the

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2 10 to 15 minutes before Mr. Altman went to use the
3 bathroom, did you observe any water on the ground?

4 A. I'm sorry. Can you say that again?

5 Q. When you went into the bathroom area 10 to
6 15 minutes before Mr. Altman, did you see any water
7 on the ground?

8 A. No, sir.

9 Q. Was there any type of written record created
10 with respect to your inspection of the bathroom 10
11 to 15 minutes before Mr. Altman?

12 A. No, sir.

13 Q. Is there any type of documentation at all to
14 show that you had looked at the bathroom 10 to 15
15 minutes before Mr. Altman?

16 A. The task cycle chart.

17 Q. What about the task cycle chart would show
18 that you had inspected the bathroom 10 to 15 minutes
19 before?

20 A. There is a paper clip that is used to
21 indicate what part of the cycle the barista is up
22 to. We use that clip to indicate which location or
23 which area it is that we're working on.

24 Q. You said it's a paper clip?

25 A. It's like -- it's very hard to describe.

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2 It's, kind of, like, a chart and we have a paper
3 clip attached to it. We, kind of, run it down.

4 Q. That paper clip, I guess, gets reset when
5 you're done?

6 A. Yes.

7 Q. To your knowledge, did anyone take a
8 photograph or anything of the task cycle chart at
9 the time of Mr. Altman's accident?

10 A. No.

11 Q. Is there any type of writing inside the
12 bathroom, like, "a check the box" or anything that
13 would indicate when the bathroom is cleaned or any
14 initials to show who cleaned it or anything like
15 that?

16 A. No.

17 Q. Did you ever take any photographs of the
18 bathroom on August 21, 2017?

19 A. I'm sorry. One more time?

20 Q. Did you take any photographs of the bathroom
21 after Mr. Altman's accident?

22 A. No.

23 Q. Do you know if anyone else did?

24 A. No.

25 Q. When you spoke to Mr. Altman, where was he?

1 S. AKBAR

2 Was he still in the bathroom? Was he in the
3 Starbucks itself or somewhere else?

4 A. Um --

5 MR. VELEZ: When he first saw him?

6 MR. ROBERTSON: I'm sorry. I'll
7 withdraw the question.

8 Q. When you observed Mr. Altman and he told you
9 about injuring his hip, where was he at the time?

10 A. He had just stepped out of the bathroom into
11 the corner where the door opens into.

12 Q. Could you see the inside of the bathroom at
13 that time?

14 A. No.

15 Q. Did you ever observe the inside of the
16 bathroom after Mr. Altman had used it?

17 A. Yes.

18 Q. Was there any water on the ground?

19 A. Yes, but not a lot.

20 Q. Where did you see water?

21 A. I saw it towards the middle of the bathroom.

22 Q. Looking at Exhibit C, the photograph with
23 the sink depicted in it, was the water that you
24 observed on the ground anywhere shown in Exhibit C?

25 A. I would say around this area (indicating).

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1 S. AKBAR

2 MR. ROBERTSON: Counsel, would you
3 be okay with him making a mark to indicate
4 where he saw the water?

5 MR. VELEZ: No. I wouldn't like him
6 to mark the photograph, but we can make a
7 verbal description of where he just pointed
8 to.

9 MR. ROBERTSON: Okay.

10 Q. Can you just indicate again where you saw
11 the water?

12 A. Towards the middle, away from the toilet and
13 the sink (indicating).

14 Q. Okay. So towards the middle left portion of
15 the photograph, correct?

16 A. Yes.

17 Q. Did you ever observe any water in the area
18 below the sink?

19 A. No.

20 Q. Is there anything that's off to the left in
21 the photograph in the area that you were pointing?

22 A. I'm sorry?

23 Q. Is there anything else that's off to the
24 left in that area where you were indicating where
25 you saw the water? In other words, is the toilet

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2 there or is there another sink there? Is there a
3 urinal there or something else?

4 A. The toilet is in the upper left corner, but,
5 as far as I know, there is nothing else there.

6 There is also a trash can in the bottom left.

7 Q. Was there any water in the area of the
8 toilet?

9 A. No.

10 Q. Do you know how the water came to be in that
11 location?

12 A. No, sir.

13 Q. Did you or someone else clean up the water?

14 A. Yes.

15 Q. Was it you or was it someone else?

16 A. I believe it was someone else.

17 Q. Who cleaned up the water?

18 A. I don't recall.

19 Q. Did you observe the person clean up the
20 water?

21 A. No, sir.

22 Q. Other than that one discussion that you had
23 with Mr. Altman before you went and got your
24 supervisor, did you speak with him again at all
25 following the accident?

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2 A. No, sir.

3 Q. Did you prepare a report following this
4 accident?

5 A. Yes.

6 Q. I'm going to show you what was marked as
7 Defendant's Exhibit A of January 29, 2019,
8 Plaintiff's 1 of March 6, 2019 and Plaintiff's 2 of
9 March 6, 2019. I'll ask you to take a look at these
10 exhibits (handing).

11 A. (Perusing.)

12 Q. Did you prepare any of those documents?

13 A. Yes, sir.

14 Q. Which one?

15 A. The middle one.

16 MR. VELEZ: I'm sorry, counselor.

17 Which one?

18 MR. ROBERTSON: Noting Plaintiff's
19 Exhibit 1.

20 Q. Did you have anything to do with either of
21 the other two exhibits?

22 A. No, sir.

23 Q. What is Plaintiff's Exhibit 1?

24 A. It's a written statement from myself.

25 Q. In the area where it says "name and

1 S. AKBAR

2 signature," is that your name and your signature?

3 A. Yes, sir.

4 Q. Did you write that personally or did someone
5 else write it on your behalf?

6 A. I wrote it.

7 Q. And Partner Number, what is that?

8 A. That is the number that is used to indicate
9 our employee -- it's, kind of, our employee ID.

10 Q. Date and time signed, do you see where it
11 says September 5th?

12 A. (Perusing) Yes.

13 Q. Was that the date and time that you signed
14 the document?

15 A. Yes, sir.

16 Q. Was that also the date and time that you
17 prepared the document?

18 A. Yes.

19 Q. Is there any reason why the document was
20 prepared on September 5th?

21 A. We were following up on a superior's
22 advisement about the issue.

23 Q. Who was the superior that you were following
24 up on their advisement?

25 A. The DM, the district manager.

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2 Q. And who was that?

3 A. At that time, I believe it was Alvin.

4 Q. Do you know Alvin's last name?

5 A. No, sir.

6 Q. What was Alvin's instruction that you were
7 following up on?

8 A. To prepare a written report of what occurred
9 during the incident.

10 Q. Did anyone assist you with the preparation
11 of this report?

12 A. Jenny helped me fill out the top part.

13 Q. When you say that Jenny helped you, what did
14 she do?

15 A. She just told me how to fill it out.

16 Q. What, specifically, did she do in terms of
17 telling you how to fill it out?

18 A. Just provided instructions on what to sign
19 and where to sign.

20 Q. At any point, did Jenny instruct you as to
21 what to say?

22 A. No.

23 Q. Looking now at where it says "description of
24 the incident," have you had an opportunity to read
25 that?

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2 A. Yes.

3 Q. Do you see in the first sentence where it
4 references saying "the entire floor was wet"?

5 A. Yes.

6 Q. Did anyone tell you to say that?

7 A. No, sir.

8 Q. Earlier, you testified and you indicated
9 that the only water that you observed was to the
10 left portion of the photograph.

11 A. Mm-hmm.

12 Q. In the statement, it says "the entire floor
13 was wet." What did you mean by "the entire floor
14 was wet"?

15 A. I meant the middle portion of the floor.

16 Q. Is there any reason why you didn't say the
17 middle portion of the floor?

18 A. Perhaps, because I was trying to get back to
19 my tasks and the report was written a little hastily.

20 Q. You understood the importance of the
21 accident report when you were making it, correct?

22 A. Yes.

23 Q. And it would be important that the accident
24 report be as accurate as possible, correct?

25 A. Yes, sir.

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2 Q. The second sentence where you said that you
3 "presumed it was a leak from the toilet." Do you
4 see that?

5 A. Yes.

6 Q. Whey did you presume that it was a leak from
7 the toilet?

8 A. Because that had happened six months prior.

9 Q. You said that you "thought about it and you
10 checked." When did you check for the leak?

11 A. I checked after Mr. Altman came out.

12 Q. How long after he came out?

13 A. After he was taken away by the paramedics.

14 Q. In terms of timeframe, how long would that
15 be?

16 MR. VELEZ: After the accident?

17 MR. ROBERTSON: Yes.

18 A. I would say about 10 or 15 minutes later.

19 Q. Was there anyone with you at the time?

20 A. No, sir.

21 Q. The next sentence, again, you say "it was
22 strange that the entire floor was wet." Do you see
23 that?

24 A. Yes.

25 Q. Why was it strange that the entire floor was

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2 wet?

3 A. Because I had checked the bathroom 15 to 20
4 minutes prior to the incident and the floor was dry.

5 Q. Again, now, with respect to the use of the
6 term "entire floor was wet," is there any reason why
7 you didn't, at that point, indicate that the portion
8 of the floor that you're referring to was that
9 portion that you indicated in the photograph?

10 A. I'm sorry. One more time?

11 MR. ROBERTSON: Can you repeat that
12 question for me?

13 (Whereupon, the record was read by
14 the reporter.)

15 MR. VELEZ: Just note my objection.

16 You can answer the question if you know what
17 he's asking you.

18 Q. Do you understand what I'm saying?

19 A. I do, but, once again, it was due to the
20 fact that this report was written very hastily, and,
21 "entire floor," I referenced in my head that it was
22 the middle portion of the floor, the main part of
23 the floor.

24 Q. Again, now, with respect to the second time
25 that the term "entire floor" was used, with respect

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2 to this portion here, you were, again, aware of the
3 importance that the report be as accurate as
4 possible, correct?

5 A. At the time of me writing the report, no,
6 not really.

7 Q. What were your thoughts with respect to the
8 accuracy of the report at the time that you were
9 drafting it?

10 MR. VELEZ: Just note my objection.

11 You can answer it.

12 A. I'm not sure I understand that question.

13 Q. Okay. Just now, I asked whether or not it
14 was important or would it be important that the
15 report be as accurate as possible. The first time
16 you indicated yes and said that the report was
17 written in haste. Again, the second time, now,
18 we're discussing the second use of the term "entire
19 floor" being wet in the report. So I'm just asking
20 you the same set of follow-up questions again.

21 Would it have been important that the report be as
22 accurate as possible, even now, with respect to the
23 second time that you're using the term?

24 A. Yes, sir.

25 Q. Your answer is "yes"?

1 S. AKBAR

2 A. Mm-hmm.

3 Q. I'm sorry. You can't say "mm-hmm." For the
4 record, was your answer "yes"?

5 A. Yes.

6 Q. The second to last sentence, it says there
7 that you "assume that someone had spilled a lot of
8 water on the floor." Do you see that?

9 A. Yes.

10 Q. Why did you make that assumption?

11 A. Usually, customers will shake their hands
12 when they wash them or splash their face with water.
13 I assumed that they had just missed the sink.

14 Q. Could it also have been, based on your
15 observation, water on the floor from one of the
16 homeless people that you described earlier?

17 MR. VELEZ: Just note my objection.

18 A. No.

19 Q. Why is that?

20 A. There were no homeless people in the store
21 at that time.

22 Q. Did you observe all of the customers
23 entering the store prior to Mr. Altman?

24 A. No, sir.

25 Q. The portion of the report entitled "complete

1 S. AKBAR

2 explanation/detail of the incident," was that all in
3 your handwriting?

4 A. Yes.

5 Q. Did anyone assist you with that portion of
6 the report?

7 A. (Perusing) No, sir.

8 Q. Looking at the signature there, is that your
9 signature?

10 A. (Perusing) Yes, sir.

11 Q. Did anyone assist you with the signature?

12 A. No.

13 Q. Where it says "one of one," does that mean
14 that this is the only document that you created?

15 A. Yes, sir.

16 Q. Other than the photographs that we've marked
17 today, did you observe any other photographs with
18 respect to this incident?

19 A. No, sir.

20 Q. Did you review the video of Mr. Altman and
21 this incident?

22 A. Yes.

23 Q. When did you do that for the first time?

24 A. I would say a couple of months ago.

25 Q. What were the circumstances under which you

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2 were doing so? Was that with your attorneys or was
3 that internal within Starbucks or something else?

4 A. It was with my attorneys.

5 Q. The video that you observed of Mr. Altman,
6 did it fairly and accurately depict Mr. Altman in
7 the Starbucks?

8 A. I'm sorry. One more time?

9 Q. The video of Mr. Altman that you observed,
10 did it fairly and accurately depict Mr. Altman in
11 the Starbucks?

12 A. Yes.

13 Q. Did you see the customer enter the bathroom
14 before Mr. Altman in the video?

15 A. No, sir.

16 MR. ROBERTSON: Can I get this
17 marked?

18 (Whereupon, play cards that
19 Starbucks employees use to indicate what
20 they have to do, what type of tasks that
21 need to be performed in closing up the store
22 for the night, and in order to upkeep the
23 store was marked as Plaintiff's Exhibit 1,
24 for identification, as of this date.)

25 Q. I'm showing you what we have marked as

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2 Plaintiff's Exhibit 1 as of today's date (handing).

3 Do you know what that document is?

4 A. (Perusing) Yes, sir.

5 Q. What is it?

6 A. These are the play cards that we use to
7 indicate what we have to do, what type of tasks we
8 have to do to, kind of, close up the store for the
9 night and as far as upkeeping the store.

10 Q. Are those tasks done on a daily basis, an
11 hourly basis, or something else?

12 A. Yes, sir. It's indicated on the top from
13 what times we have to, kind of, check these areas or
14 we have to accomplish whatever task it says in that
15 timeframe that is listed on the top.

16 Q. Are there also photographs and diagrams that
17 instruct as to how the tasks are to be completed?

18 A. Yes, sir.

19 Q. Did you ever review that document prior to
20 today's date?

21 A. Yes.

22 Q. When did you review it for the first time?

23 A. The first time ever?

24 Q. Yes.

25 A. When they first started using the play

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2 cards; so I would say a year and a half ago.

3 Q. You said they first started using them about
4 a year and a half ago?

5 A. Yes, sir.

6 Q. Would that be before or after August of 2017?

7 A. Before.

8 Q. It was before August of 2017?

9 A. Yes.

10 Q. Would you follow those procedures as
11 outlined in those cards each time you went ahead
12 with the cleaning or inspecting of the store?

13 A. Yes, sir.

14 MR. ROBERTSON: Thank you. I have
15 no further questions at this time.

16 MR. VELEZ: I just have three
17 follow-ups.

18 MR. ROBERTSON: Sure. Let me just
19 put a real quick thing down. I'm just going
20 to request that a search be performed and
21 that copies of any of the photographs taken
22 that were passed along to the managers
23 depicting water on the floor prior to August
24 of 2017 be provided. Also, Helen's last
25 name, if that could be provided as well.

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2 MR. VELEZ: We'll take it under
3 advisement. We just ask that you follow up
4 in writing.

5 MR. ROBERTSON: Sure.

6 CONTINUED EXAMINATION BY

7 MR. VELEZ:

8 Q. On August 21st of 2017, did you receive any
9 complaints from anyone before the accident regarding
10 water on the floor of the bathroom?

11 A. Yes, sir.

12 Q. On the day of the accident, did you
13 receive --

14 A. Oh, no, no.

15 Q. Let me just get the question out on the
16 record. On August 21st of 2017, did you receive any
17 complaints from anyone before the accident regarding
18 water on the bathroom floor?

19 A. No.

20 Q. Before the accident on August 21st of 2017,
21 did you receive any prior complaints from anyone
22 regarding homeless individuals using the bathroom in
23 the Starbucks store?

24 MR. ROBERTSON: Objection.

25 A. On the date of?

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2 Q. On the date of?

3 A. No.

4 Q. Are you aware of any prior accidents
5 involving water in the bathroom of the Starbucks
6 before August 21st of 2017?

7 A. No, sir.

8 MR. VELEZ: That's all I have.

9 MR. ROBERTSON: Thank you.

10 (Time Noted: 5:30 p.m.)

11

12

13

14 SAYEED AKBAR

15

16

17

18 Subscribed and sworn to before me
19 this day of 2019.

20

21

22

23 _____
24 Notary Public

25

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1 I N D E X
2

3	WITNESS	EXAMINATION BY	PAGE
4	Mr. Akbar	Mr. Robertson	4
5		Mr. Velez	44

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7 EXHIBITS

8	PLAINTIFF'S	DESCRIPTION	PAGE
9	1	Play cards that Starbucks	
10		employees use to indicate what	
11		they have to do, what type of	
12		tasks that need to be performed	
13		in closing up the store for the	
14		night, and in order to upkeep	
15		the store	41

16 * Exhibit retained by plaintiff's counsel.

17

18 REQUESTS FOR PRODUCTION

19	DESCRIPTION	PAGE
20	Copies of any of the photographs taken	
21	that were passed along to the managers	
22	depicting water on the floor prior to	
23	August of 2017	43

24

25 The last name of Helen, the Starbucks manager 43

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1 C E R T I F I C A T E

2

3 I, AUDREY A. GLADITSCH, hereby certify that
4 the Examination Before Trial of SAYEED AKBAR was
5 held before me on the 15th day of April, 2019; that
6 said witness was duly sworn before the commencement
7 of his testimony; that the testimony was taken
8 stenographically by myself and then transcribed by
9 myself; that the party was represented by counsel as
10 appears herein;

11 That the within transcript is a true record
12 of the Examination Before Trial of said witness;

13 That I am not connected by blood or
14 marriage with any of the parties; that I am not
15 interested directly or indirectly in the outcome of
16 this matter; that I am not in the employ of any of
17 the counsel.

18 IN WITNESS WHEREOF, I have hereunto set my
19 hand this 24th day of April, 2019.

20

21

22

23

24

25


AUDREY A. GLADITSCH

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ERRATA SHEET

2

CASE NAME: PETER ALTMAN v. STARBUCKS CORPORATION

3

DATE OF DEPOSITION: April 15, 2019

4

WITNESS'S NAME: SAYEED AKBAR

5

PAGE	LINE(S)	CHANGE	REASON
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17

18

SAYEED AKBAR

20

SUBSCRIBED AND SWORN TO BEFORE ME

22

THIS ____ DAY OF _____, 20 ____.

23

(NOTARY PUBLIC)

MY COMMISSION EXPIRES:

Sayeed Akbar
April 15, 2019

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<hr/> <p style="text-align: center;">1</p> <hr/> <p>1 32:8,19,23 41:23 10 25:4,14 27:2,5, 10,14,18 36:18 11377 4:12 11:30 8:10,11 14 7:4 15 7:4 25:4,14 27:2,6,11,14,18 36:18 37:3</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2 32:8 20 7:10 9:22 37:3 2015 6:24,25 13:12 2017 7:5,9 8:3,5 13:3 17:17 18:3 19:6,13,22 20:7,15, 21 21:5,9,21 25:22 26:7 28:18 2018 18:9 2019 6:6 32:7,8,9 21 13:3 18:3 19:6, 22 20:7,15,21 21:5, 9,20 28:18 25 7:10 29 18:9 32:7</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>30 9:22 3:00 8:9,11</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p>51-06 4:11 5th 33:11,20</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p>6 32:8,9</p> <hr/> <p style="text-align: center;">A</p> <hr/> <p>A-K-B-A-R 4:9</p>	<p>ability 8:19 accept 4:14 accident 20:9 23:16 24:21 25:15 26:22 28:9,21 31:25 32:4 35:21,23 36:16 accidents 18:4 accuracy 38:8 accurate 18:21 19:8 35:24 38:3,15,22 accurately 41:6,10 action 4:20 addition 7:19 address 4:10,11,15 advise 11:9 14:2 15:10 16:24 17:24 advisement 33:22,24 advising 14:9,21 afternoon 4:18 Akbar 4:9,18 5:1 6:1 7:1 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1 16:1 17:1 18:1 19:1 20:1 21:1 22:1 23:1 24:1 25:1 26:1 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1 35:1 36:1 37:1 38:1 39:1 40:1 41:1 Altman 4:20 20:12, 14,20 21:6,8 22:3, 8,15 23:9,15 24:4, 16,24 25:6 27:2,6, 11,15 28:25 29:8, 16 31:23 36:11 39:23 40:20 41:5, 6,9,10,14 Altman's 28:9,21 Alvin 34:3 Alvin's 34:4,6 amount 7:6 amounts 13:23 19:16 apologies 21:25 appears 19:3 approximately 6:4, 24 7:4,10 8:9 9:22 25:4 area 10:13 12:17 19:19,20 21:12,16, 22 22:12,16,20 24:17 26:2,4,8,23,</p> <p style="text-align: center;">B</p> <hr/> <p>baby-changing 19:10 back 7:5 8:2 12:14 15:17 19:5,13 23:23,24,25 24:3 35:18 barista 6:22 7:2,22 8:14,20 9:5 27:21 base 26:15 based 39:14 bathroom 12:11,13, 16,18,21,23 13:4, 15,16,20 14:3,9,17, 22 15:2,19 17:18 18:2,5,6,18,19,22 19:9 22:7,9,12,16, 20,22 23:4,7,10,13, 19 24:7,23 25:2,7, 9,12,14,23 26:23, 25 27:3,5,10,14,18 28:12,13,18,20 29:2,10,12,16,21 37:3 41:13 bathrooms 12:15 begin 6:23 behalf 33:5 beneath 19:21 beverages 7:23,24 birth 5:15</p>
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